

*Argueta*

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

2012 MAR -2 AM 9:52

MARCOS TRAYLOR

Plaintiff,

vs.

THE CITY OF CHICAGO,

Defendant

) CLERK OF THE CIRCUIT COURT  
) LAW DIVISION

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) CLERK  
) COURT FILED  
) No. 2010 L 007841  
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**NOTICE OF FILING**

TO: Mara Georges, Corporation counsel  
John Ehrlich, Deputy Corp. Counsel  
Vickie Argueta, Asst. Corp. Counsel  
30 North LaSalle Street  
Suite 800  
Chicago, Illinois 60602

PLEASE TAKE notice that on the 2nd day of March, 2012, I filed with the Circuit Court of Cook County, Illinois County Department, Law Division, Plaintiff's Second Amended Complaint at Law.

**STOTIS & BAIRD CHARTERED**

200 West Jackson Boulevard  
Suite 1050  
Chicago, Illinois 60606  
312/461-1000  
Attorney for the Plaintiff  
Atty. No. 13589

By:

*Michael S. Baird*  
Michael S. Baird

**PROOF OF SERVICE BY MAIL**

Under penalties as provided by law, pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that a copy of this notice was mailed together with a copy of the foregoing document(s) to each party to whom it is directed on the 2nd day of March, 2012.

*[Signature]*

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

MARCOS TRAYLOR

Plaintiff,

v.

THE CITY OF CHICAGO, JAMES D.  
FRANKLIN, and DAVID A. BROWN,

Defendants.

No. 2010 L 007841

**SECOND AMENDED COMPLAINT AT LAW**

NOW COMES the Plaintiff, MARCOS TRAYLOR, by and through his attorneys, STOTIS & BAIRD CHARTERED, and hereby complains of the Defendants, THE CITY OF CHICAGO, JAMES D. FRANKLIN, and DAVID A. BROWN as follows:

**COUNT I**

**Willful and Wanton Conduct v. City of Chicago**

1. That for some time prior to September 11, 2009, the Defendant, City of Chicago operated and maintained a Department of Police.
2. That on or about September 11, 2009, the Defendant, City of Chicago, employed certain police officers, who were at all times acting within the scope of their employment.
3. That on September 11, 2009, the Plaintiff, MARCOS TRAYLOR, was lawfully at or near 73<sup>rd</sup> and Jeffrey in the City of Chicago, Cook County, Illinois.
4. That at all times material hereto, it was the duty of the Defendants to refrain from willful and wanton conduct with respect to the Plaintiff.
5. That notwithstanding said duty, the Defendant, through its agent police officers, committed one or more of the following willful and wanton acts:

- a. Took the Plaintiff in to custody, when they had no reason to believe that he had committed any offense;
- b. Struck the Plaintiff in the face and body, knocked him to the ground, and caused him physical harm.

6. That as a direct and proximate result of one or more of the foregoing willful and wanton acts, the Plaintiff sustained personal injury, was caused to incur medical bills, to experience pain and suffering, was caused disability and disfigurement, and was deprived of his liberty, all to his damage.

WHEREFORE, the Plaintiff, MARCOS TRAYLOR, demands judgment against the Defendant, THE CITY OF CHICAGO, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, together with the costs of this suit.

## COUNT II

### **Violation of 42 U.S.C.A. § 1983 v. Individual Officers**

1. That for some time prior to September 11, 2009, the Defendants, JAMES D. FRANKLIN and DAVID A. BROWN (collectively the "Officer Defendants") were at all relevant times acting under the color of state law.

2. That on September 11, 2009, the Plaintiff, MARCOS TRAYLOR, was lawfully at or near 73<sup>rd</sup> and Jeffrey in the City of Chicago, Cook County, Illinois.

3. That on September 11, 2009, the Officer Defendants stopped the Plaintiff, MARCUS TRAYLOR, at or near 73<sup>rd</sup> and Jeffrey in the City of Chicago, Cook County, Illinois.

4. That the Officer Defendants deprived the Plaintiff, MARCOS TRAYLOR, of the rights guaranteed to him by the Constitution and laws of the United States, in one or more of the following ways:

- a. Took the Plaintiff in to custody, when they had no reason to believe that he had committed any offense;
- b. Struck the Plaintiff in the face and body, knocked him to the ground, and caused him physical harm.

5. That the aforementioned deprivations of rights of the Plaintiff, MARCOS TRAYLOR, were committed callously and with reckless indifference by the Officer Defendants while acting under the color of state law.

6. That as a direct and proximate result of one or more of the foregoing violations of his statutory and constitutional rights, the Plaintiff sustained personal and pecuniary injury and was deprived of his liberty, all to his damage.

7. That the identity of the Officer Defendants was first discovered by the Plaintiff on February 7, 2012.

WHEREFORE, the Plaintiff, MARCOS TRAYLOR, demands judgment against the Officer Defendants, JAMES D. FRANKLIN and DAVID A. BROWN, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, together with the costs of this suit.

**STOTIS & BAIRD CHARTERED**

By:

  
Michael S. Baird

**#13589**

**STOTIS & BAIRD CHARTERED**

**Attorneys for Plaintiff**

**200 West Jackson Boulevard, #1050**

**Chicago, Illinois 60606-6941**

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